

REMARKS

In the Office Action mailed November 18, 2005, pending claims 1, 26-27, 34 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,347,091

→ (“Wallentin”) in view of U.S. Patent No. 6,304,549 (“Srinivasan”) and pending claims 21-22 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wallentin, in view of Srinivasan further in view of U.S. Patent No. 6,690,938 (“Chin”). For the following reasons, Applicants respectfully submit that the present application is now in condition for allowance.

The present application (Application No. 09/888,922) and the Wallentin reference were, at the time Applicants’ claimed invention was made, commonly owned by Telefonaktiebolaget LM Ericsson. Further, even if the Wallentin reference is prior art, a point that Applicants do not concede, it apparently would qualify as such only under 35 U.S.C. 102(e). Therefore, pursuant to 35 U.S.C. 103(c), the Wallentin reference is disqualified from being used in a rejection under 35 U.S.C. 103(a) against Applicants’ claimed invention. See MPEP § 706.02(l). In light of the foregoing, Applicants respectfully request withdrawal of all obviousness-type rejections and believe that all claims stand in condition for immediate allowance.

Respectfully submitted,

COATS & BENNETT, P.L.L.C.



Mark R. Bilak
Registration No.: 47,423

Dated: February 2, 2006

P.O. Box 5
Raleigh, NC 27602
Telephone: (919) 854-1844
Facsimile: (919) 854-2084